

**LEWIS
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LLP
LAWYERS

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM
LIQUIDATING TRUST TO PROOF OF
CLAIM FILED BY CHRISTINE
MILLER ON GROUND OF
DUPLICATION; AND CERTIFICATE
OF SERVICE**

Hearing Date: December 18, 2009

Hearing Time: 1:30 p.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING ONE OF THE
CLAIMS THAT YOU FILED. The USACM Trust seeks to disallow that claim.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
3 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

4 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
5 through its counsel, has filed an Objection of USACM Liquidating Trust to Proof of Claim
6 No. 10725-01527 Filed By Christine Miller on Behalf of the Trust Dated 3/5/04 on ground
7 that it is a duplicate of Claim 10725-02120 filed by Christine Miller (the "Objection").
8 The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of
9 title 11 of the United States Code (the "Bankruptcy Code") disallowing Claim 10725-
10 01527 against USACM. Claim 10725-02120 will not be affected by this objection.

11 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
12 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal
13 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
14 **December 18, 2009, at the hour of 1:30 p.m.**

15 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
16 **DECEMBER 18, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
17 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
18 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

19 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
20 by **December 11, 2009,** pursuant to Local Rule 3007(b), which states:

21 If an objection to a claim is opposed, a written response must
22 be filed and served on the objecting party at least 5 business
23 days before the scheduled hearing. A response is deemed
24 sufficient if it states that written documentation in support of
25 the proof of claim has already been provided to the objecting
26 party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: October 16, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (# 18024)

Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

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Attorneys for the USACM Liquidating Trust

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L A W Y E R S

Copy of the foregoing mailed by first
class Postage prepaid U.S. mail On
October 16, 2009 to:

Christine E. Miller Revocable Trust
Christine Miller
Crown Court 2
Orinda CA 94563

Steve Miller
Trustee of the Christine E. Miller Revocable Trust
7527 E. Pasaro Dr.
Scottsdale, AZ 85262

/s/ Leilani Lista
Lewis and Roca LLP